

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

STEPHEN NORVILLE,

Plaintiff,

-against-

MANHATTAN WOODS GOLF CLUB,

Defendant.

Docket # 07 CV 2939

ANSWER

JURY TRIAL DEMANDED

-----X

Defendant, MANHATTAN WOODS GOLF CLUB, by its attorneys, RIVKIN RADLER LLP, respectfully submits the following upon information and belief as and for its answer to plaintiff's complaint:

First: Defendant denies the allegations contained in paragraph number "1" of the plaintiff's complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

Second: Defendant denies having knowledge or information sufficient to form a belief as to the allegations contained in paragraphs numbered "2", "3" and "4" of the plaintiff's complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

PARTIES

Third: Answering paragraph numbered "5" of the plaintiff's complaint herein, defendant repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's complaint inclusive with the same force and effect as though more fully set forth at length herein.

Fourth: Defendant denies having knowledge or information sufficient to form a belief as to the allegations contained in paragraphs numbered “6” and “8” of the plaintiff's complaint.

FACTUAL BACKGROUND

Fifth: Answering paragraph numbered “9” of the plaintiff's complaint herein, defendant repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's complaint inclusive with the same force and effect as though more fully set forth at length herein.

Sixth: Defendant denies having knowledge or information sufficient to form a belief as to the allegations contained in paragraphs numbered “12” and “16” of the plaintiff's complaint.

Seventh: Defendant denies the allegations contained in paragraphs numbered “13”, “14”, “15”, “17” and “19” of the plaintiff's complaint.

ANSWERING COUNT I

Eighth: Answering paragraph numbered “20” of the plaintiff's complaint herein, defendant repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's complaint inclusive with the same force and effect as though more fully set forth at length herein.

Eighth: Defendant denies the allegations contained in paragraph number “21” of the plaintiff's complaint.

Ninth: Defendant denies the allegations contained in paragraph number “22” of the plaintiff's complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

ANSWERING COUNT IV¹

Tenth: Answering paragraph numbered “23” of the plaintiff’s complaint herein, defendant repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff’s complaint inclusive with the same force and effect as though more fully set forth at length herein.

Eleventh: Defendant denies the allegations contained in paragraphs numbered “24” and “25” of the plaintiff’s complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Twelfth: That plaintiff’s complaint fails to state a claim against the defendant upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Thirteenth: That the rights of action and/or the causes of action and/or each of them set forth in the plaintiff’s complaint as against the defendant is barred by the applicable Statutes of Limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Fourteenth: Plaintiff’s discrimination claims for relief are barred by the Faragher/ Ellerth defense.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Fifteenth: Plaintiff has failed to exhaust his administrative remedies.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

Sixteenth: Plaintiff has failed to mitigate his alleged damages.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

¹ It should be noted that plaintiff’s complaint does not contain a Count II or III.

Seventeenth: Plaintiff's claims are barred by the doctrine of laches.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

Eighteenth: Defendant had a legitimate, independent and nondiscriminatory business reason for its actions and, therefore, its actions were not the result of unlawful discrimination.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

Nineteenth: To the extent plaintiff asserts a claim for relief based upon retaliation defendant will assert, the extent applicable, the doctrine of dual motivation.

WHEREFORE, defendant, MANHATTAN WOODS GOLF CLUB, demands judgment dismissing the plaintiff's complaint herein, together with the costs and disbursements of this action.

DATED: Uniondale, New York
August 31, 2007

Yours, etc.,

RIVKIN RADLER LLP
Attorneys for Defendant
MANHATTAN WOODS GOLF CLUB

By: _____
LAURA L. SHOCKLEY (LLS-6040)
926 Reckson Plaza
Uniondale, New York 11556-0111
(516) 357-3000
File No.: 009610-05001

TO: KARPf, KARPf & VIRANT
Attorneys for Plaintiff
Adam Virant, Esq. (AV-5429)
140 Broadway, 46th Floor
New York, New York 10005
(212) 929-6030